



PRESENT:

Mr. Sherman W. Litton, Chairman
Mr. Jack R. Wilson, III, Vice-Chairman
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Daniel A. Gecker
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Mr. Michael E. Tompkins, Assistant Director/Zoning Administrator,
Development Review, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Teresa C. Davis, Administrative Secretary, Zoning and
Special Projects, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review, Planning Department
Mr. Joseph E. Feest, Planning Administrator, Development
Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department

Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Ms. Sara Carter, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Senior Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Deanna D. Atkins, Administrative Secretary,
Administrative Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Steven E. Simonson, Sr., Civil Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanigan, Acting Water Quality Administrator,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Mr. Michael S. Golden, Director,
Parks and Recreation Department
Lt. John P. Jones, Inspector, Office of Fire & Life Safety,
Fire Department
Captain J. Robert Dawson, Acting Fire Marshal, Fire &
Life Safety Division, Fire Department
Dr. Billy K. Cannaday, Jr., Superintendent,
School Administration
Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration
Mr. William Bridgeforth, Director, Construction,
School Administration
Mr. John "Buster" Frith, Communications Specialist,
Radio Shop

WORK SESSION

At approximately 12:00 p. m., Messrs. Litton, Wilson, Gulley, Bass, Gecker and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Upcoming Agendas.**
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)
- C. Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- D. Plans and Information Section Update.**
- E. Work Program – Review and Update.**
- F. Follow-up Discussion of Proposed Amendment of Planning Commission By-Laws regarding Scheduling of Regular Meeting Dates.**
- G. Northern Courthouse Road Plan Amendment.**
- H. Adjournment.**

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission amended the agenda to include discussion relative to expansion of the By-Laws in Item F., Follow-up Discussion of Proposed Amendment of Planning Commission By-Laws regarding Scheduling of Regular Meeting Dates; added a new Item H., Discussion of October 26, 2005, Memo from Mr. Richard McElfish Regarding Mining/Chesterfield County; and reordered the agenda accordingly.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

B. REVIEW UPCOMING AGENDAS.

Ms. Rogers presented an overview of the Commission's upcoming case schedules for the January 17, February 21, March 21 and April 18, 2006 Planning Commission meetings.

C. REVIEW DAY'S AGENDA.

Messrs. Tompkins and Allen presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 7:00 p. m. Evening Session.

D. PLANS AND INFORMATION SECTION UPDATE.

At the request of staff, it was the consensus of the Commission to schedule discussion of a proposed Code Amendment Relative to Permitted Uses in MH-2 Districts at their January 17, 2006, Work Session.

E. WORK PROGRAM.

There being no revisions to the Commission's Work Program, it was the consensus of the Commission to adopt their January 2006 Work Program, as presented by Mr. Turner.

F. FOLLOW-UP DISCUSSION OF PROPOSED AMENDMENT OF PLANNING COMMISSION BY-LAWS REGARDING SCHEDULING OF REGULAR MEETING DATES.

There was discussion relative to elimination of the caseload maximums for the purposes of deferrals; citizens open forum discussions relative to planning issues other than zoning requests; re-establishment of the By-Laws Committee for the purpose of revising/expanding the By-Laws; and other issues of concern.

Upon conclusion of the discussion, it was on motion of Mr. Wilson, seconded by Mr. Gecker, that the Commission suspended their By-Laws for January, February and March 2006 to eliminate the fifteen (15) caseload maximum to accommodate those cases seeking deferrals only.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission established a Planning Commission By-Laws Committee and appointed Messrs. ~~Wilson~~ **Gulley** and Gecker to serve on the Committee, with the Committee supported by staff consisting of, but not limited to, members of the Planning Department and County Attorney's Office.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

G. NORTHERN COURTHOUSE ROAD PLAN AMENDMENT.

Due to time constraints, it was on motion of Mr. Gecker, seconded by Mr. Wilson, that the Commission deferred discussion of the proposed Northern Courthouse Road Plan Amendment to the February 21, 2006, Planning Commission Work Session.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

H. DISCUSSION OF OCTOBER 26, 2005, MEMO RELATIVE TO MINING/CHESTERFIELD COUNTY.

At Mr. Bass' request, Mr. McElfish addressed issues relative to prior mining in the County, specifically pertaining to The Grove and Tarrington Subdivisions.

I. ADJOURNMENT.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission adjourned at approximately 2:35 p. m., with the Commission agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

3:00 P. M. AFTERNOON SESSION

Mr. Litton, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the November 15, 2005, Planning Commission minutes.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to approve the November 15, 2005, Planning Commission minutes, as written.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ WITHDRAWAL.

05PS0421:* In Midlothian Magisterial District, **BURGESS & CO.** withdrew the request for schematic plan approval for two (2) freestanding signs, as required by zoning Case 85S133. This development is commonly known as **RIVERTON - BURGESS OFFICES**. This request lies in a Corporate Office (O-2) District on 1.084 acres fronting approximately 100 feet on the north line of Midlothian Turnpike, approximately 525 feet east of its intersection with Salisbury Drive. Tax IDs 730-707-3785 and 730-708-3904 (Sheet 6).

No one came forward to represent the request.

Staff indicated the applicant had provided written documentation requesting withdrawal of the request.

No one came forward to speak in favor of, or in opposition to, the withdrawal.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission acknowledged withdrawal of Case 05PS0421, Burgess & Company (Riverton-Burgess Offices).

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **DEFERRAL REQUESTS BY APPLICANTS.**

05TS0196:* In Midlothian Magisterial District, **DARREL NEILSON** requested deferral to February 21, 2006, for consideration of approval of a tentative subdivision plat. This development is commonly known as **THE BATTERY AT OLD GUN**. This request lies in a Residential (R-40) District on a 20.12 acre parcel fronting approximately 300 feet on the west line of Old Gun Road, approximately twenty (20) feet south of Spring Creek Drive and approximately 4,000 feet north of Robious Road. Tax ID 735-721-2025 (Sheet 2).

Mr. Andy Scherzer, the applicant's representative, requested deferral to the February 21, 2006, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 05TS0196, Darrel Neilson (The Battery At Old Gun), to the February 21, 2006, Planning Commission meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06PW0202: In Bermuda Magisterial District, **CHESTER UNITED METHODIST CHURCH** requested deferral to January 17, 2006, for consideration of development standards waivers to paving and curb and gutter for a drive and parking area for approximately thirty (30) cars. This project is commonly known as **CHESTER UNITED METHODIST CHURCH**. This request lies in a Residential (R-7) District on a 0.5 acre parcel fronting approximately 110 feet on the northeast line of Percival Street, also fronting approximately 200 feet on the northwest line of Dodomeade Street and also known as 12131 Percival Street. Tax ID 789-654-7418 (Sheet 26).

No one came forward to represent the request.

Staff indicated the applicant had submitted written documentation requesting deferral of Case 06PW0202 to the January 17, 2006, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to defer Case 06PW0202, Chester United Methodist Church (Chester United Methodist Church), to the January 17, 2006, Planning Commission meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **DEFERRAL REQUEST BY STAFF.**

05PR0372: In Midlothian Magisterial District, **VILLAGE BANK** requested site plan approval with a thirty-five (35) foot reduction to a fifty (50) foot buffer. This project is commonly known as **VILLAGE BANK-ROBIOUS ROAD**. This request lies in a Multifamily Residential (R-MF) District with Conditional Use Planned Development on a 1.7 acre parcel fronting approximately 450 feet on the north line of Robious Road approximately 400 feet west of Cranbeck Road. Tax ID 741-714-5860 (Sheet 2).

Mr. Allen indicated staff had received written documentation requesting deferral of Case 05PR0372 to the January 17, 2006, Planning Commission meeting.

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 05PR0372 to the January 17, 2006, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

Mr. Gecker noted he wished to defer the request on his own motion and questioned the date the plans were resubmitted to ensure that deferral to the January 17, 2006, meeting would not exceed the required sixty (60) day timeframe allowed the Commission to take action.

It was the consensus of the Commission to place Case 05PR0372 on the Consent Agenda to allow staff an opportunity to confirm the information requested by Mr. Gecker.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

06PR0151:* In Clover Hill Magisterial District, **MAVRILO HOLDINGS, LLC** requested Planning Commission approval of a site plan for a 10,000 square foot office building and a reduction of the 100 foot buffer along the southern property line to fifty (50) feet. This project is commonly known as **MAVRILO LLC DEVELOPMENT**. This request lies in a Light Industrial (I-1) District on a 1.5 acre parcel fronting approximately 260 feet on the east line of South Old Hundred Road, also fronting approximately 370 feet on the south line of East Boundary Road and located in the southeast quadrant of the intersection of these roads. Tax ID 730-687-3576 (Sheet 10).

Mr. Scott MacCallum, the applicant's representative, accepted staff's recommendation, noting the Brandermill Community Association supported the request.

Mr. Litton opened the discussion for public comment.

Ms. Andrea Epps, a County resident, expressed concerns relative to buffers, increased traffic volumes and area road conditions.

There being no one else to speak, Mr. Litton closed the public comment.

Mr. Gulley stated the Brandermill Community Association and the Brandermill Commercial Architectural Review Board had asked that the existing trees in the front setback along East Boundary Road be

maintained; however, the Virginia Department of Transportation (VDOT) had determined removal of the trees was necessary due to a sight distance problem at the corner. He added that sufficient screening of the building would be provided.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved that approval for a buffer reduction from 100 feet to fifty (50) feet along the southern property line for Case 06PR0151, Mavrilo Holdings, LLC (Mavrilo LLC Development), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. A four (4) foot tall solid board fence shall be installed along the length of all parking and drives that abut the reduced buffer.
2. The following review comments must be addressed on the site plan prior to release of the site plan to allow processing of a land disturbance permit:

REVIEW COMMENTS

1. It is not thought that the existing force mains are located as shown. They should be parallel to the right of way and easement and exit the property before making the turn. Contact Mitchell Reed with the Utilities Department at 751-4342 for assistance in determining location. If the plan location turns out to be correct, additional sewer easement must be dedicated to cover the lines. (U)
2. Show a six (6) inch valve on the waterline after the 8:6 reducer. (U)
3. Delete the sewer easement and mark the lateral "private." (U)
4. Re-label the existing sewer stub as a six (6) inch lateral and show the as-built data of thirty-two (32) foot length, seven (7) foot depth. (U)
5. Show the existing manhole as existing #2. (U)
6. Revise the diameter of structure 6 to a minimum fifteen (15) inch. (EE)
7. A saturation factor of 1.25 must be used for the 100 year storm calculations. (EE)
8. The following note(s) must be added to or adjacent to the erosion control narrative/sequence of construction.
 - A. The stormwater/b.m.p. facility must be certified by a professional engineer prior to issuance of any occupancy certificates.
 - B. A VDOT land use permit is required for this project prior to issuance of a land disturbance permit.

- C. At the time of the pre-construction meeting, two (2) standard signs must be installed on each side of the construction access. These signs may be installed on tripod devices and should state either "construction entrance ahead" or "trucks entering highway". (EE)
- 9. Provide a trash rack for the three (3) inch orifice in the storm trap facility. A detail is required. (EE)
- 10. Coordinate points based on the Virginia State Plane Coordinate System, South Zone, North American Datum 1983 are not present. Two (2) points must be shown on the parcel boundary. (EE)
- 11. Show and label the setbacks on all plan sheets. (P)
- 12. The tree protection fence is not clearly located on the erosion control plan and a step calling for its installation must be included in the sequence of construction. (P)
- 13. The setbacks must be labeled on the landscape plan in the same manner as on the layout plan. Refer to the setbacks as setbacks, not buffers. (P)
- 14. The landscape calculations are on I1.2, not I1.1. Refer to them as a setback, not a buffer. (P)
- 15. Show the County project numbers on all sheets in the plan set. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Mr. Turner recalled Case 05PR0372, Village Bank (Village Bank-Robious Road).

05PR0372: In Midlothian Magisterial District, **VILLAGE BANK** requested site plan approval with a thirty-five (35) foot reduction to a fifty (50) foot buffer. This project is commonly known as **VILLAGE BANK-ROBIOUS ROAD**. This request lies in a Multifamily Residential (R-MF) District with Conditional Use Planned Development on a 1.7 acre parcel fronting approximately 450 feet on the north line of Robious Road approximately 400 feet west of Cranbeck Road. Tax ID 741-714-5860 (Sheet 2).

In response to Mr. Gecker's questions, Mr. Allen confirmed deferral of Case 05PR0372 to the January 17, 2006, meeting on the Commission's motion was within the appropriate timeframe for the Commission to take action; however, if a longer deferral timeframe were needed, the applicant would need to request the deferral.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 05PR0372, Village Bank (Village Bank-Robious Road), to the January 17, 2006 Planning Commission meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06PR0180: In Bermuda Magisterial District, **KATHERMAN & COMPANY** requested amendment to an approved site plan (Case 05PR0128). This project is commonly known as **GODDARD SCHOOL-RIVERS BEND**. This request lies in a Neighborhood Office (O-1) District on a 2.7 acre parcel fronting approximately 180 feet on the west line of Rivers Bend Boulevard approximately 260 feet south of Hogans Drive and known as 13036 Rivers Bend Boulevard. Tax ID 815-653-0690 (Sheet 27).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved that approval of a revised site plan for Case 06PR0180, Katherman & Company (Goddard School-Rivers Bend), shall be and it thereby was granted.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

D. FIELD TRIP AND DINNER.

♦ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip Agenda to visit requests sites.

♦ **DINNER LOCATION.**

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to meet for dinner at Bookbinder's Grill, 1244 Alverser Plaza, Midlothian, Virginia.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

E. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the Commission adjourned the Afternoon Session at approximately 3:18 p. m., agreeing to meet at Bookbinder's Grill at 5:00 p. m. for dinner.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Litton, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Gulley presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Bass led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the agenda for the upcoming months, noting the January 17, 2006, agenda was comprised of twelve (12) cases; the February 21, 2006, agenda was comprised of fifteen (15) cases; the March 21, 2006, agenda was comprised of fifteen (15) cases; and the April 18, 2006, agenda was comprised of four (4) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **REQUESTS FOR DEFERRAL BY APPLICANTS.**

05SN0284: In Matoaca Magisterial District, **CHESDIN DEVELOPMENT COMPANY** requested deferral to January 17, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 1,290.8 acres fronting the south side of River Road southeast of Graves Road, also fronting on the west line of Le Master Road south of River Road. Tax IDs 750-614-4898; 750-616-7388; 750-619-3142; 751-614-Part of 7777; 751-616-1374 and 8457; 752-619-4676; 753-615-Part of 4357; 753-617-1436; 754-618-8390; 754-619-2731, 4817 and 7610; 757-611-9582; 755-612-7662; and 757-615-1498 (Sheets 39, 40, 43 and 44).

Mr. John V. Cogbill, III, the applicant's representative, requested deferral to the January 17, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to defer Case 05SN0284 to the January 17, 2006, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0329: In Midlothian Magisterial District, **LBV INVESTMENTS** requested deferral to February 21, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance

requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of one (1) dwelling or less per acre. This request lies on 50.7 acres fronting approximately 2,990 feet on the east line of Route 288 approximately 2,600 feet north of Midlothian Turnpike. Tax IDs 716-713-Part of 5414 and 717-708-Part of 2972 (Sheets 1 and 5).

Mr. Andy Scherzer, the applicant's representative, requested deferral to the February 21, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0329 to the February 21, 2006, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06SN0119: In Bermuda Magisterial District, **DSRA, LLC** requested deferral to February 21, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and General Business (C-5) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for commercial use. This request lies on 9.0 acres fronting approximately 390 feet on the south line of West Hundred Road, also fronting approximately 900 feet on the west line of Interstate 95 ramp and located in the southwest quadrant of the intersection of these roads. Tax IDs 800-653-4668 and 800-654-2613, 2833, 4223 and 5211 (Sheet 26).

Mr. Dean Hawkins, the applicant's representative, requested deferral to the February 21, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to defer Case 06SN0119 to the February 21, 2006, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06SN0127: In Clover Hill Magisterial District, **J. MARK SOWERS** requested deferral to February 21, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 22.6 acres lying off the eastern terminus of North Vickilee Road and Vickilee Court, the northern terminus of Vickilee Road and western terminus of Marblethorpe Road. Tax IDs 746-699-8830; and 747-699-0340, 0744, 1248, 1750, 2453 and 4454 (Sheet 6).

Mr. Mark Sowers, the applicant, requested deferral to the January 17, 2006, Planning Commission public hearing.

Mr. Litton opened the discussion for public comment.

Ms. Mary Allen and Ms. Dawn Bracey, residents of Marblethorpe Road, requested the Commission defer the request for more than thirty (30) days to allow area residents an opportunity to address their concerns with the applicant. When asked, approximately five (5) individuals stood to indicate support for more than a thirty (30) day deferral.

There being no one else to speak, Mr. Litton closed the public comment.

Mr. Sowers indicated he was not aware of any opposition to the request and requested deferral to the February 21, 2006, Planning Commission public hearing.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to defer Case 06SN0127 to the February 21, 2006, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06SN0191: In Midlothian and Matoaca Magisterial Districts, **THE CHESTERFIELD COUNTY BOARD OF SUPERVISORS** requested deferral to January 17, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to General Industrial (I-2) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional employment center and neighborhood mixed use uses. This request lies on 818.3 acres fronting the north line of Midlothian Turnpike between Route 288 and Huguenot Springs Road; on the south line of Midlothian Turnpike between Route 288 and Old Hundred Road; and fronting the west line of Huguenot Springs Road, approximately 2,800 feet north of Midlothian Turnpike. Tax IDs 710-708-3025, 5217 and 9532; 712-709-9100; 712-710-2733, 8193 and 9557; 712-711-1562 and 2690; 712-712-2923; 713-708-4574; 713-712-Part of 8031; 714-707-6311 and 9182; 714-709-2446; 714-712-9323; 715-705-2469; 715-706-5039; 715-710-8459; 715-711-0444 and 4043; 715-712-3508; 716-710-0846, 1325, 1707 and 2342; 716-713-Part of 5414; 717-708-Part of 2972; 717-711-0537 and 0707; 718-705-6022; 718-706-3636; 719-703-5024; 720-703-7536; and 720-704-Part of 3574 (Sheet 5).

Mr. John Easter, the applicant's representative, requested deferral to the January 17, 2006, Planning Commission public hearing.

In response to discussion relative to whether a deferral to the January 17, 2006, Planning Commission meeting was sufficient time to resolve outstanding issues, Mr. Easter stated he was hopeful the thirty (30) day deferral would be sufficient.

Mr. Mike Harton, a County resident, urged all those involved to work together to move forward in a timely fashion, noting it crucial to the economic development of the County.

Mr. Litton stated those involved were making every effort to move the request along as soon as possible.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to defer Case 06SN0191 to the January 17, 2006, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

04SN0224.* In Matoaca Magisterial District, **DOUGLAS R. SOWERS AND SUSAN S. SOWERS** requested deferral to April 18, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 146 acres fronting approximately 750 feet on the east line of Lacy Farm Road, approximately 270 feet north of Ahern Road. Tax IDs 695-695-3122, 695-697-8107 and 696-695-7571 (Sheet 8).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, requested deferral to the April 18, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to defer Case 04SN0224 to the April 18, 2006, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0102.* In Dale Magisterial District, **FARRISH PROPERTIES, LLC** requested deferral to February 21, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Light Industrial (I-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 to 2.5 units per acre. This request lies on 22.0 acres fronting approximately 360 feet on the north line of Old Lane approximately 670 feet east of Hopkins Road, fronting approximately 1,800 feet on the west line of the CSX Railroad intersecting with both Route 288 and Old Lane and fronting approximately 575 feet on the south line of Route 288 approximately 540 feet east of Hopkins Road. Tax IDs 786-666-3851 and 786-667-3619 (Sheets 18 and 26).

Mr. Dean Hawkins, the applicant's representative, requested deferral to the February 21, 2006, Planning Commission public hearing to permit the applicant to further pursue alternatives to the proposed industrial zoning and meet with area residents.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 05SN0102 to the February 21, 2006, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0193:* In Matoaca Magisterial District, **SBF LLC** requested deferral to January 17, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-40) to Residential (R-25) plus relief from street access requirements. Residential use of up to 1.74 units per acre is permitted in a Residential (R-25) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies on 61.4 acres fronting approximately 1,950 feet on the west line of Woolridge Road, also fronting approximately 730 feet on the south line of Crown Point Road and located in the southwest quadrant of the intersection of these roads. Tax IDs 717-681-5038 and 6767; 717-682-6832; 718-681-3676; and 718-682-3148 (Sheets 9 and 15).

Mr. Andy Scherzer, the applicant's representative, requested deferral to the January 17, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to defer Case 05SN0193 to the January 17, 2006, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONERS.**

05SN0199: In Clover Hill Magisterial District, **JACQUELINE AND ROBERT C. HARGRAVE** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15) plus relief from street access requirements. Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for low density residential use of 1.5 units per acre or less. This request lies on 36.9 acres fronting approximately sixty (60) feet on the west line of Courthouse Road approximately 560 feet north of Smoketree Drive, also fronting approximately 580 feet on the south line of Berrand Road approximately 1,225 feet west of Courthouse Road. Tax IDs 742-702-7055; 743-701-Part of 7043; 743-702-1454 and 1916; and 744-701-1388 (Sheet 6).

Mr. Gulley stated he had asked the applicant to make revisions to the request and staff had not had an opportunity to review them; therefore, he wished to defer Case 05SN0199 to the January 17, 2006, Planning Commission public hearing.

Mr. Andy Scherzer, the applicant's representative, supported deferral of Case 05SN0199 by Mr. Gulley.

There was no opposition to the deferral.

The following motion was made at Mr. Gulley's request.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission, on their own motion, resolved to defer Case 05SN0199 to the January 17, 2006, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06SN0110:* In Midlothian Magisterial District, **JDC TRADD INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) with Conditional Use Planned Development to allow exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for low density residential use of 1.01 to 2.5 units per acre. This request lies on 22.8 acres fronting approximately 1,200 feet on the north line of the Norfolk Southern Railroad, west of Winterfield Road. Tax IDs 724-710-7957 and 725-710-3079 and 4141 (Sheet 5).

Mr. William Shewmake, the applicant's representative, supported deferral of Case 06SN0110 by Mr. Gecker to the January 17, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 06SN0110 to the January 17, 2006, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06SN0111:* In Midlothian Magisterial District, **JDC TRADD INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for low density residential use of 1.01 to 2.5 units per acre. This request lies on 2.2 acres known as 1400 Winterfield Road. Tax ID 725-710-6268 (Sheet 5).

Mr. William Shewmake, the applicant's representative, supported deferral of Case 06SN0111 by Mr. Gecker to the January 17, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 06SN0111 to the January 17, 2006, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

05SN0294: In Clover Hill Magisterial District, **THE REBKEE COMPANY** requested amendment to Conditional Use Planned Development (Case 74S021) and amendment of zoning district map to permit drive thru facilities for a permitted use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies in a Neighborhood Business (C-2) District on 2.5 acres and is known as 13620 Genito Road. Tax ID 729-688-4473 (Sheet 9).

Mr. James Theobald, the applicant's representative, accepted staff's recommendation.

When asked, citizens indicated opposition to the request; therefore, it was the consensus of the Commission to place Case 05SN0294 with those cases requiring discussion.

06SN0126: In Bermuda Magisterial District, **R. C. WHEELER CONSTRUCTION CO.** requested rezoning and amendment of zoning district map from Residential (R-7) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial use. This request lies in a Residential (R-7) District on 2.4 acres fronting approximately 180 feet on the south line of Egee Drive fronting approximately 450 feet on the east line of Quail Oaks Avenue and approximately 270 feet on the north line of Woodfin Drive. Tax IDs 793-667-8863, 9667 and 9743; and 794-677-1049 (Sheet 18).

Mr. David Barthol, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 06SN0126 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The developer shall be responsible for retaining/detaining stormwater onsite such that the existing culvert under Woodfin Drive meets current VDOT criteria. (EE)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06SN0139: In Midlothian Magisterial District, **OMNIPOINT COMMUNICATIONS** requested amendment to Conditional Use Planned Development (Case 99SN0191) and amendment of zoning district map relative to communications towers. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for public/semi-public

use. This request lies in a Residential (R-15) District on 3.7 acres and is known as 10525 West Huguenot Road. Tax IDs 746-718-3583, 4367, 4486, 5470, 5588, 6571, 6590, 7591 and 7672 (Sheet 2).

Mr. Nathan Holland, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 06SN0139, subject to the following condition:

CONDITION

The communications antennae shall be architecturally incorporated into the steeple of the church building generally in accordance with the plan entitled "Omnipoint Communications CAP Operations, LLC" and dated 11/16/05. Associated equipment shall also be enclosed within the existing church building. (P)

- (Notes: a. This condition would require that the communications antennas be architecturally incorporated into the design of a building for a permitted use. In addition, this condition would require that all equipment associated with the communications antenna be housed within the existing church building.
- b. This condition supersedes Condition 1 of Case 99SN0191. All other conditions of approval for Case 99SN0191 remain in effect.)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06SN0140: In Bermuda Magisterial District, **ELLMER PROPERTIES CHESTERFIELD II LLC** requested rezoning and amendment of zoning district map from General Industrial (I-2) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 7.0 acres fronting approximately 770 feet on the east line of Interstate 95 approximately 1,600 feet south of the Walthall Interchange. Tax ID 805-636-0948 (Sheet 35).

Mr. Jeff Collins, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 06SN0140 and acceptance of the following proffered condition:

PROFFERED CONDITION

The public water and wastewater systems shall be used. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06SN0142: In Dale Magisterial District, **CNS MICROWAVE, INC.** requested a Conditional Use Planned Development and amendment of zoning district map to permit a communications tower in a General Industrial (I-2) District plus exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general industrial use. This request lies on 0.3 acre and is known as 2939 Space Road. Tax ID 785-691-Part of 8072 (Sheet 12).

Mr. Bob Lawrence, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 06SN0142, subject to the following conditions:

CONDITIONS

1. The color and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. If lighted, lighting during daylight hours shall be limited to medium intensity strobe lights with upward reflection and lighting during night time hours shall be limited to soft blinking lights. (P)
2. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)
3. With approval of this request, an eighty-two (82) foot exception and a seventy-six (76) foot exception to the 170 foot setback requirements from the northern and western property lines respectively shall be granted (P).
4. The base of the tower shall be enclosed by a minimum six (6) foot high fence designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground mounted equipment or structures from adjacent properties. A detailed plan depicting this requirement shall be submitted to the Planning Department for approval in conjunction with final site plan review. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06SN0147: In Bermuda Magisterial District, **TOKEN TOWER, LLC** requested amendment to Conditional Use Planned Development (Case 02SN0166) and amendment of zoning district map relative to the height of a communications tower. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general industrial

use. This request lies in an Agricultural (A) District on 12.5 acres lying off the eastern terminus of Station Road. Tax ID 792-685-5662 (Sheet 12).

Mr. John V. Cogbill, III, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from the Commission, Ms. Orr answered questions relative to the increase in the height and visual impact of the proposed tower.

Mr. Cogbill submitted computer-simulated photographs of the proposed tower as viewed from Bensley Village.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0147 and acceptance of the following proffered condition:

PROFFERED CONDITION

The property owner (the "Owner") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 792-685-5662 (the "Property") under consideration will be developed according to the following conditions if, and only if, the request for CUPD amendment is granted. In the event the request is denied or approved with conditions not agreed to by the Owner, the proffers and conditions shall immediately be null and void and have no further force or effect.

With the approval of this CUPD, one tower may be constructed on the Property, which tower shall not exceed a height of 630 feet above ground level. (P)

(Staff Note: This condition supersedes Condition 1 of Case 02SN0166. All other conditions of Case 02SN0166 remain in effect.)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06SR0149: In Matoaca Magisterial District, **F. CRAIG WATERS** requested renewal of Conditional Use (Case 03AN0137) and amendment of zoning district map to permit an electrical contractor's business incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation use. This request lies in an Agricultural (A) District on 2.3 acres and is known as 11200 Winterpock Road. Tax ID 720-654-3173 (Sheet 23).

Mr. Craig Waters, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 06SR0149 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. This Conditional Use shall be granted to and for F. Craig Waters and Sonya Waters, exclusively, and shall not be transferable or run with the land. (P)
2. This Conditional Use shall be limited to the operation of an electrical contractor's business, exclusively. A maximum of seven (7) employees, other than those persons outlined in Proffered Condition 1 may be engaged in this operation. (P)
3. This use shall not operate before 7:00 A.M. and after 4:30 P.M., Monday through Friday nor on Saturday or Sunday. (P)
4. There shall be no deliveries to or from the site via tractor-trailer carriers. Any deliveries shall be made between the hours of 8:00 A.M. and 6:00 P.M., Monday through Friday. There shall be no Saturday or Sunday deliveries. (P)
5. There shall be no outside public address system. (P)
6. One (1) sign, not to exceed one (1) square foot in area, shall be permitted to identify this use. Such sign shall not be illuminated. (P)
7. Within sixty (60) days of approval of this request, forty-five (45) feet of right of way on the west side of Winterpock Road measured from the centerline of the road immediately adjacent to the property, shall be dedicated, free and unrestricted to and for the benefit of Chesterfield County. (T)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06PD0218: In Bermuda Magisterial District, **CHESTERFIELD COUNTY PUBLIC SCHOOLS** requested Substantial Accord Determination to permit an elementary and a middle school on 174.3 acres fronting approximately 600 feet on the east line of Bermuda Orchard Lane across from Thornhill Drive and fronting approximately 4,170 feet on the west line of Interstate 295 south of East Hundred Road. Tax IDs 817-648-3260-00001 and 00002; 818-647-4654 and 8334; 818-648-4591-00001, 00002 and 9304; 819-646-7594; 819-647-3912, 5479 and 9062; 819-648-4536, 5754 and Part of 6681; and 819-649-6812 and 7260 (Sheets 27 and 35).

Mr. William Bridgeforth, the applicant's representative, accepted staff's recommendation.

Mr. Litton opened the discussion for public comment.

Mr. Christopher Garrard, an area property owner, expressed concerns relative to access to Bermuda Orchard Lane, that there be no connectivity from the subject property to area subdivisions and requested that he be notified at the time of site plan approval for the request.

There being no one else to speak, Mr. Litton closed the public comment.

In response to Mr. Gulley's concerns relative to setback modifications, Mr. Bridgeforth stated he had no objection to amending the playground area setback requirement from forty (40) feet to seventy-five (75) feet from the nearest adjacent properties.

In response to a question from Mr. Litton, Mr. Bridgeforth indicated public water and sewer would be used and Mr. McElfish stated the drainage and erosion issues would be addressed at the time of site plan approval.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission found Case 06PD0218 to be in Substantial Accord with the Comprehensive Plan, subject to the following conditions:

CONDITIONS – TRACTS A & B

The following conditions apply to both Tracts A and B:

1. The primary access to the schools shall be provided across Tract B to Bermuda Orchard Lane. (P)
2. Direct access from the property to Bermuda Orchard Lane shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)
3. Prior to the issuance of an occupancy permit for the schools, the following road improvements shall be completed, as determined by the Transportation Department:
 - a. Construction of additional pavement along Bermuda Orchard Lane at the approved school access to provide left and right turn lanes. The exact design of these improvements shall be approved by the Transportation Department.
 - b. Dedication to Chesterfield County, free and unrestricted, of any additional right of way (or easements) required for the improvements identified above. (T)

CONDITIONS – TRACT A

The following conditions apply to Tract A only:

4. Except where the requirements of the underlying Agricultural (A) zoning are more restrictive and as provided for active recreational uses herein, development of the Agricultural (A) property shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) Districts in Emerging Growth Areas. (P)
5. Recreational Facilities Setbacks.
 - A. With the exception of playground areas which accommodate swings, jungle gyms or similar facilities, outdoor play fields, courts, swimming pools and similar active

recreational facilities shall be located a minimum of 100 feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road. Nothing herein shall prevent development of indoor facilities and/or parking within the 100 foot setback. Within the 100 foot and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.

- B. Any playground area (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of ~~forty (40)~~ **seventy-five (75)** feet from all property lines. A ~~forty (40)~~ **seventy-five (75)** foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for ~~fifty (50)~~ **seventy-five (75)** foot buffers. (P&CPC)

6. A setback distance of 200 feet, measured from the right of way of Interstate 295, shall be provided for any sound sensitive use, as determined by the Transportation Department. (T)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06PD0219: In Matoaca Magisterial District, **CHESTERFIELD COUNTY PUBLIC SCHOOLS** requested Substantial Accord Determination to permit an elementary school on approximately thirty (30) acres of a 1,200 acre tract lying off the south line of Otterdale Road. Tax ID 714-663-Part of 0471 (Sheets 15 and 23).

Mr. William Bridgeforth, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from the Commission, staff addressed issues/answered questions relative to the acquisition of additional property for the proposed site; access in conjunction with Fire Code requirements; entrance design; and other issues of concern.

Mr. Bass made a motion, seconded by Mr. Wilson, for the Commission to find Case 06PD0219 to be in Substantial Accord with the Comprehensive Plan, subject to the following conditions:

CONDITIONS

1. Prior to any site plan approval, a ninety (90) foot wide right of way for Harpers Mill Parkway across the entire parcel of the elementary school site, as determined by the Transportation Department, shall be recorded. (T)
2. Direct access from the elementary school site to Harpers Mill Parkway shall be approved by the Transportation Department. (T)

3. Prior to issuance of an occupancy permit for the elementary school, the following road improvements shall be completed, as determined by the Transportation Department:
 - a. Construction of Otterdale Road Extended as a two-lane facility, to VDOT Urban Minor Arterial standards (50 MPH) with modifications approved by the Transportation Department, from its current terminus to Harpers Mill Parkway, and Harpers Mill Parkway as a two-lane facility to VDOT Urban Minor Arterial standards (50 MPH) with modifications approved by the Transportation Department, from Otterdale Road Extended to the western boundary of the elementary school site.
 - b. Construction of additional pavement along Harpers Mill Parkway at each approved access to provide left and right turn lanes, based on Transportation Department standards.
 - c. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
4. Recreational Facility Setbacks.
 - A. With the exception of playground areas which accommodate swings, jungle gyms or similar facilities, outdoor play fields, courts, swimming pools and similar active recreational facilities shall be located a minimum of 100 feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road. Nothing herein shall prevent development of indoor facilities and/or parking within the 100 foot setback. Within the 100 foot and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.
 - B. Any playground area (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of ~~forty (40)~~ **seventy-five (75)** feet from all property lines. A ~~forty (40)~~ **seventy-five (75)** foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for ~~fifty (50)~~ **seventy-five (75)** foot buffers. (P&CPC)

(STAFF NOTE: CONDITIONS AND PROFFERED CONDITIONS OF CASE 02SN0209 REMAIN IN EFFECT FOR THE SUBJECT PROPERTY.)

In response to concerns expressed by Mr. Gulley, Mr. Bridgeforth indicated the playground area setbacks would abut wetlands and the original forty (40) foot setbacks would be sufficient to minimize the impact of the playground areas from future residential development.

Mr. Bass withdrew his motion; Mr. Wilson withdrew his second.

Mr. Bass made a substitute motion, seconded by Mr. Wilson, that Case 06PD0219 was found to be in Substantial Accord with the Comprehensive Plan, subject to the following conditions:

CONDITIONS

1. Prior to any site plan approval, a ninety (90) foot wide right of way for Harpers Mill Parkway across the entire parcel of the elementary school site, as determined by the Transportation Department, shall be recorded. (T)
2. Direct access from the elementary school site to Harpers Mill Parkway shall be approved by the Transportation Department. (T)
3. Prior to issuance of an occupancy permit for the elementary school, the following road improvements shall be completed, as determined by the Transportation Department:
 - a. Construction of Otterdale Road Extended as a two-lane facility, to VDOT Urban Minor Arterial standards (50 MPH) with modifications approved by the Transportation Department, from its current terminus to Harpers Mill Parkway, and Harpers Mill Parkway as a two-lane facility to VDOT Urban Minor Arterial standards (50 MPH) with modifications approved by the Transportation Department, from Otterdale Road Extended to the western boundary of the elementary school site.
 - b. Construction of additional pavement along Harpers Mill Parkway at each approved access to provide left and right turn lanes, based on Transportation Department standards.
 - c. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
4. Recreational Facility Setbacks.
 - A. With the exception of playground areas which accommodate swings, jungle gyms or similar facilities, outdoor play fields, courts, swimming pools and similar active recreational facilities shall be located a minimum of 100 feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road. Nothing herein shall prevent development of indoor facilities and/or parking within the 100 foot setback. Within the 100 foot and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.
 - B. Any playground area (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed public roads. These

buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers. (P)

(STAFF NOTE: CONDITIONS AND PROFFERED CONDITIONS OF CASE 02SN0209 REMAIN IN EFFECT FOR THE SUBJECT PROPERTY.)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

06PD0229: In Matoaca Magisterial District, **CHESTERFIELD COUNTY PARKS AND RECREATION** requested Substantial Accord Determination to permit a community park on 3.19 acres fronting approximately 200 feet on the northeast line of Woodpecker Road approximately sixty (60) feet south of Southlawn Avenue. Tax ID 793-614-9947 (Sheet 45).

Mr. Mike Golden, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission found Case 06PD0229 to be in Substantial Accord with the Comprehensive Plan, subject to the following conditions:

CONDITIONS

1. With the exception of buffers and setback for play fields, courts, swimming pools and similar active recreational areas development shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) Districts in Emerging Growth Areas. (P)

(NOTE: The requirements of the underlying Agricultural (A) zoning classification, where these requirements exceed the requirements of the Ordinance for O-2 Districts in Emerging Growth Areas, remain applicable.)

2. Prior to any site plan approval or upon written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way on the north side of Woodpecker Road, measured from the centerline of that part of Woodpecker Road immediately adjacent to the property, shall be recorded, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. No direct access shall be provided from the property to Woodpecker Road. (T)
4. In conjunction with any development on the property, the ditch along the north side of Woodpecker Road shall be relocated to provide an adequate shoulder, as determined by the Transportation Department, for the entire property frontage. The developer shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for this improvement. (T)

5. Recreational Facility Setbacks:

- (a) With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, outdoor play fields, courts, swimming pools and similar active recreational facilities shall be located a minimum of 100 feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road. Nothing herein shall prevent development of indoor facilities and/or parking within the 100 foot setback. Within the 100 foot and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.
- (b) Any playground area (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0185:** (Amended) In Midlothian Magisterial District, **COMMERCIAL LAND DEVELOPMENT** requested rezoning and amendment of zoning district map from Agricultural (A) to General Industrial (I-2) with Conditional Use to permit commercial uses and Conditional Use Planned Development to allow exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial/flex uses. This request lies on 36.4 acres fronting approximately 1,100 feet on the south line of Midlothian Turnpike, also fronting in two (2) places for a total of approximately 730 feet on the west line of Otterdale Road and located in the southwest quadrant of the intersection of these roads. Tax IDs 720-709-6011; 721-708-2383; and 721-709-2704 and 3240 (Sheet 5).

Mr. James Theobald, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 05SN0185, subject to the following condition and acceptance of the following proffered conditions:

CONDITION

Setbacks shall conform to setback requirements for Light Industrial (I-1) Districts in Emerging Growth District Areas, except that:

- (a) For the portion of the request property adjacent to Tax ID 721-709-7721, setbacks shall be based upon requirements as if such adjacent parcels are zoned for industrial use. (P)
- (b) For the portion of the request property abutting the East/West Special Access Road, front and corner side yard setbacks shall be based upon the requirements outlined in Proffered Condition 11.

PROFFERED CONDITIONS

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

- 1. Master Road Plan. The map prepared by AES Consulting Engineers, dated November 18, 2005 entitled "Commerce Place Midlothian Turnpike (Rt. 60 & Route 288) Master Road Plan" shall be considered the Master Plan. (P)
- 2. Permitted Uses.
 - A. In that area designated as "Commercial" on the Master Plan, the following uses shall be permitted:
 - 1. uses permitted by-right or with restrictions in the Light Industrial (I-1) District;
 - 2. uses permitted by-right or with restrictions in the Convenience Business (C-1) District;
 - 3. artist material and supply stores;
 - 4. electrical, plumbing or heating supply sales, service and related display rooms;
 - 5. eyewear sales and services;
 - 6. health clubs;
 - 7. hotels;
 - 8. locksmith operations;
 - 9. messenger or telegraph services;
 - 10. office supply stores;
 - 11. photography studios; and
 - 12. restaurants, not to include free-standing fast-food restaurants.
 - B. In that area designated as "Industrial" on the Master Plan, the following uses shall be permitted:
 - 1. uses permitted by-right in the Light Industrial (I-1) District;

2. contractor's offices, shops and related display rooms;
 3. electrical, plumbing or heating supply sales, service and related display rooms;
 4. health clubs;
 5. hotels;
 6. ice manufacturing;
 7. locksmith operations;
 8. mass transportation;
 9. satellite dishes, provided that:
 - a. the dishes are accessory to a principal use, and
 - b. the diameter of the dish does not exceed twelve (12) feet; and
 10. schools – commercial, trade, business, vocational and training. (P)
3. Phasing of Commercial Development. Prior to issuance of any certificate of occupancy for any use in that area designated as "Commercial" on the Master Plan, at least temporary certificates of occupancy shall have been granted for at least 60,000 square feet of gross floor area of Light Industrial (I-1) uses identified in Proffered Condition 2.B.1. in that area designated as "Industrial" on the Master Plan. (P)
 4. Stormwater. For areas that drain through a regional BMP, temporary basins shall remain in place and/or new BMPs constructed to achieve the .45 phosphorus standard until the downstream regional BMP into which the development will drain has been constructed. (EE)
 5. Timbering. With the exception of timbering to remove dead, diseased or dying trees which has been approved by the Virginia State Department of Forestry, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
 6. Sidewalks. Sidewalks shall be constructed along both sides of the East/West Special Access Road and along at least one side of all other internal public roads, with any modifications approved by the Transportation Department. Construction of sidewalks shall be accomplished in phases along with the development of the sites adjacent thereto. (T)
 7. East/West Special Access Road. Prior to any final site plan approval, up to ninety (90) feet of right-of-way (as determined by the Transportation Department) through the property for an East/West Special Access Road shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. This right-of-way shall be located as substantially shown on the Master Plan. The exact location of this right-of-way shall be approved by the Transportation Department. (T)
 8. Route 60 Access. No direct access shall be provided from the property to Route 60. Prior to any site plan approval, an access plan for the East/West Special Access Road shall be submitted to and approved by the Transportation Department. Access from the Property to the East/West Special Access Road shall conform to the approved access plan. (T)

9. Transportation Improvements. To provide an adequate roadway system, the developer shall be responsible for the following:
- A. Construction of additional pavement along the eastbound lanes of Route 60 at the Otterdale Road intersection to provide a separate right turn lane;
 - B. Construction of additional pavement along the westbound lanes of Route 60 to provide adequate dual left turn lanes, as determined by the Transportation Department, at the existing Route 60/Otterdale Road crossover;
 - C. Full cost of traffic signal modification at the Otterdale Road/Route 60 intersection;
 - D. Construction of a six (6) lane divided typical section (i.e. two (2) southbound lanes and four (4) northbound lanes) for the East/West Special Access Road at its intersection with Route 60, including relocation of Otterdale Woods Road as substantially shown on the Master Plan. The exact location and design of these improvements shall be approved by the Transportation Department;
 - E. Construction of four (4) lanes of the East/West Special Access Road through the property to VDOT Urban Minor Arterial standards (40 mph) as substantially shown on the Master Plan. The exact location and design of this improvement shall be approved by the Transportation Department;
 - F. Construction of additional pavement to provide separate left and right turn lanes from the East/West Special Access Road to Road A, and a three (3) lane typical section (i.e., two (2) outbound and one (1) inbound lane) on Road A at its intersection with the East/West Special Access Road, as determined by the Transportation Department.;
 - G. Full cost of traffic signalization, if warranted as determined by the Transportation Department, of the intersection of Road A with the East/West Special Access Road; and
 - H. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
10. Phasing Plan. Prior to any final site plan approval, a phasing plan for the required road improvements as identified herein, shall be submitted to and approved by the Transportation Department. (T)
11. Setbacks and Landscaping.
- A. The front and corner side yard setback for buildings, drives and parking areas along the north line of the East/West Special Access Road shall be a minimum of twenty (20) feet from the public right-of-way.

- B. The front and corner side yard setback for buildings along the south line of the East/West Special Access Road shall be a minimum of twenty (20) feet from the public right-of-way.
- C. The front and corner side yard setback for drives and parking areas along the south line of the East/West Special Access Road shall be a minimum of fifteen (15) feet from the public right-of-way in the area beginning at Route 60 and continuing southwesterly for a distance of six hundred (600) feet, then tapering to a minimum of ten (10) feet for a distance of two hundred fifty (250) feet, then increasing to a minimum of fifteen (15) feet west of Otterdale Court.

Within all the aforesaid setback areas, Perimeter Landscaping C shall be provided. (P)

- 12. Route 60 Landscaping. In addition to the required Perimeter Landscaping C, one (1) additional large deciduous tree shall be provided every twenty-five (25) feet along the Route 60 frontage. (P)
- 13. Limitation on Square Footage. Except for any hotel or health club, the first floor of any building developed in that area designated as "Commercial" on the Master Plan shall not exceed thirty thousand (30,000) square feet in size. This condition shall not preclude connecting two (2) buildings with a breezeway as generally shown on the elevations entitled "Two Story Office/Retail Building" prepared by Freeman Morgan Architects, dated September 14, 2005. (BI&P)
- 14. Architecture.
 - A. Within the area designated as "Commercial" on the Master Plan and within the area within 200 feet of the East/West Special Access Road in the area designated as "Industrial" on the Master Plan, the architectural style, treatment and materials of any building on the Property shall be compatible with the elevations entitled "Two Story Office/Retail Building" and "Single Story Retail Building" prepared by Freeman Morgan Architects, dated September 14, 2005. The facades of any building in the area designated as "Commercial" on the Master Plan, and any building located within 200 feet of the East/West Special Access Road in the area designated as "Industrial" on the Master Plan shall have substantially similar architectural treatment as is present on the buildings entrance façade.
 - B. Within the area designated as "Industrial" on the Master Plan, the architectural style, treatment and materials of any building on the Property shall be compatible with the elevations entitled "Proposed Industrial Exterior Elevation" prepared by Freeman Morgan Architects, dated September 14, 2005.
 - C. Any canopy associated with any permitted use within the aforementioned areas shall be compatible with the architectural style, treatment and materials of the building which it serves.

- D. Any building located on the property with a ground floor area of 5,100 square feet or less may employ a hip or gable roof instead of the cornice and tower roof scheme shown on "Two Story Office/Retail Building" and "Single Story Retail Building" prepared by Freeman Morgan Architects, dated September 14, 2005. The materials of any hip or gable roof shall be compatible with the cornice and tower roof treatment of the other buildings within the development. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

Mr. Turner recalled Case 05SN0294, The Rebkee Company.

05SN0294: In Clover Hill Magisterial District, **THE REBKEE COMPANY** requested amendment to Conditional Use Planned Development (Case 74S021) and amendment of zoning district map to permit drive thru facilities for a permitted use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies in a Neighborhood Business (C-2) District on 2.5 acres and is known as 13620 Genito Road. Tax ID 729-688-4473 (Sheet 9).

Mr. Clay presented an overview of the request and staff's recommendation.

Mr. James Theobald, the applicant's representative, accepted staff's recommendation and addressed the proposed use, noting the submittal of an amended condition to ensure the drive-thru windows would be permitted only in conjunction with bank or drugstore/pharmacy uses.

Mr. Litton opened the discussion for public comment.

Mr. John Hughes, a Clover Hill District resident, voiced opposition to the request, citing concerns relative to permitting a drive-thru window and the impact of right turning moves on area traffic patterns.

Ms. Andrea Epps, an area resident, also expressed concerns relative to the impact of the proposed development on area traffic.

There being no one else to speak, Mr. Litton closed the public comment.

In rebuttal, Mr. Theobald stated the proposed use would be no more intense than uses currently permitted in the area; the use was representative of, and compatible with, existing and anticipated area development; the development would not have an adverse impact on, or change, the character of the area; and asked the Commission to forward a favorable recommendation to the Board.

In response to questions from the Commission, staff addressed issues/answered questions relative to access, traffic conditions, setbacks, buffers and other concerns.

In response to a question from Mr. Gulley, Mr. Theobald agreed to proffer a buffer condition adjacent to the cemetery prior to the Board of Supervisors' consideration of the request.

Mr. Gulley apologized that miscommunication and scheduling conflicts had precluded his attendance at meetings regarding this request; asked that a meeting with the applicant, staff, Mr. Hughes and himself be scheduled prior to the Board's consideration of the case; asked that the revised condition for the drive-thru window be accepted in lieu of the condition in the "Request Analysis;" and stated he felt the proposal was appropriate and should be forwarded to the Board with a recommendation for approval.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 050294, subject to the following condition:

CONDITION

Drive-in windows shall be permitted in conjunction with bank or drugstore/pharmacy use, only. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

The Commission recessed at approximately 8:46 p. m.

The Commission reconvened at approximately 8:56 p. m.

06SN0120: In Dale Magisterial District, **CP COURTHOUSE LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for light industrial and regional mixed uses. This request lies on 116.0 acres fronting in two (2) places for a total of approximately 650 feet on the east line of Courthouse Road fronting approximately 1,970 feet on the west line of Newbys Bridge Road and approximately 320 feet on the south line of Burnett Drive. Tax IDs 754-676-4609 and 755-677-2504 (Sheets 16 and 17).

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land uses did not conform to the Central Area Plan; the proposed zoning and land uses were not representative of, or compatible with, anticipated area development; the application failed to address connectivity to Burnett Drive per the Board's adopted "Residential Subdivision Connectivity Policy;" denial of a waiver to street connectivity requirements was recommended; and further staff recommended that Proffered Condition 13.e. not be accepted.

Mr. John V. Cogbill, III, the applicant's representative, did not accept staff's recommendation, noting the proposed development would preclude industrial development in an area where citizens opposed such development, would be of upscale quality, was needed to serve the aging population, would be a positive impact on the County's tax base and would not adversely impact traffic on Burnett Drive. He introduced Mr. Rick Saunders, Senior Vice President of Slenker Land Corporation; Dr. Dean Bellis of Urban Analytics Inc., consultant for the project; and noted Mr. Bill Slenker, the Virginia resident and developer for the project.

Mr. Saunders presented a history of the Slenker Company, outlining elements of the proposal and noting the proposal complied with the area Plan and Dr. Bellis presented a summary of the positive economic/fiscal impacts of the proposal on the County.

Mr. Litton opened the discussion for public comment.

Mr. Ed DeGennaro, representing the Newbys Bridge Road Neighborhood Coalition, voiced support for the proposal, noting the development would preclude industrial development in an area where citizens opposed such development, would be of upscale quality, was needed to serve the aging population, would be a positive impact on the County's tax base and would not adversely impact traffic on Burnett Drive.

Ms. Bonnie Cole-Willis, an adjacent property owner, voiced opposition to the request, citing concerns relative to traffic and drainage and suggested the proposal needed to include a traffic impact study for Newbys Bridge Road.

There being no one else to speak, Mr. Litton closed the public comment.

In rebuttal, Mr. Cogbill stated the proposed development was less intensive/intrusive than other uses that could be permitted on the property and would produce less traffic volumes; the developer intended to provide onsite drainage retention and/or replace the Newbys Bridge Road culvert; and the developer would construct two (2) lanes of the East/West Arterial from Courthouse Road to Newbys Bridge Road and had also proffered no direct access to Burnett Drive. He asked the Commission to forward a favorable recommendation to the Board of Supervisors.

Mr. Gecker expressed concerns that the proffered conditions did not provide guarantees relative to open space, commercial uses within the development and other amenities but stated, however, he felt the proposal was a good project overall.

Mr. Gulley stated the proposal represented a good project; however, he recalled the adoption of the Central Area Plan, supported very strongly by Mr. Miller, the Dale District Supervisor, and was reluctant to support a project contrary to the Plan.

Mr. Litton expressed appreciation to the Newbys Bridge Road Neighborhood Coalition for their participation in the process and stated he felt the proposal represented a good project that would be beneficial to the community and the County.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 06SN0120 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Developer (the "Developer") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for himself and his successors or assigns, proffers that the development of the property known as Chesterfield County Tax Identification Numbers 755-677-2504 and 754-676-4609 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-TH with Conditional Use Planned Development is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect.

1. Master Plan. The Textual Statement dated November 30, 2005 and the Zoning Plan prepared by Timmons Group dated July 22, 2005 (the "Zoning Plan") shall be considered the Master Plan. (P)
2. Number of Dwellings. The maximum number of dwellings to be permitted on the Property shall be five hundred and twenty five (525). A minimum of one hundred (100) Cluster Residential dwellings and a minimum of one hundred (100) Townhouses, as defined in the Textual Statement, shall be provided within the development and a maximum of two hundred and twenty five (225) Multi-family Condo dwellings, as defined in the Textual Statement, shall be provided within the development. No more than one hundred and twenty five (125) building permit applications shall be submitted for Multi-family Condo dwellings until one hundred (100) building permits have been issued for Cluster Residential dwellings and/or Townhouses. (P)
3. Utilities. Public water and wastewater systems shall be used. (U)
4. Timbering. With the exception of timbering that has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
5. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state, or local legal requirements, dwelling units shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein. (P)
6. Cash Proffer. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each dwelling unit for infrastructure improvements within the service district for the Property:
 - a. \$10,269 per dwelling unit if paid prior to July 1, 2006. At the time of payment, the \$10,269 will be allocated pro-rata among the facility costs as follows: \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations; or
 - b. The amount approved by the Board of Supervisors not to exceed \$10,269 per dwelling unit prorated as set forth above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - c. At the option of the Transportation Department, the cash proffer payment may be reduced for road improvements by an amount not to exceed the amount that would be paid in cash proffers for the road component as identified in Proffered Conditions 6. (a) above, exclusive of those road improvements identified in Proffered Condition 14, performed by the applicant, subdivider, or assignee(s), as determined by the Transportation Department.
 - d. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount

paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county. (B&M)

7. Stormwater Management. The developer shall provide onsite retention, culvert improvements in Newbys Bridge Road, or a combination of both in order to provide drainage capacity across Newbys Bridge Road that meets State criteria. Alternative stormwater measures may be approved by the Director of Environmental Engineering at the time of subdivision or site plan submission if shown that these measures provide adequate protection of the road crossing. (EE)
8. Buffers and Screening.
 - a. All required buffers shall be located within recorded open space.
 - b. A decorative screening fence a minimum of six (6) feet in height shall be installed along the perimeter of the residential portions of the Property where the Property does not abut a public road; provided that, in lieu of the screening fence the developer may elect in some areas to protect and preserve a twenty (20) foot wide perimeter tree preservation buffer. No trees that are six (6) inches in caliper or greater shall be cut down within any tree preservation area; provided that, dead trees or diseased trees may be removed and landscaping, screening, signs, security fencing, utilities and roads which generally shall run perpendicular through the buffer, and pedestrian walkways may be permitted within any tree preservation buffer through subdivision or site plan review. (P)
9. Foundations. All exposed portions of front and side foundations and exposed piers supporting front porches of each dwelling unit shall be faced with brick, stone veneer, stucco, or exterior insulation and finishing systems (EIFS) materials. (P)
10. Building Design, Materials, Orientation. Building designs within the development shall be compatible in architectural style to the clubhouse design shown on Exhibit A. The dwelling units and the clubhouse shall be constructed with materials such as brick or stone veneer; composition, hardiplank, or premium grade vinyl siding. All dwelling units shall be oriented towards an internal road network within the development, away from Newbys Bridge and Courthouse Roads. (P)
11. Dedications of Right-of-Way. In conjunction with the recordation of the initial subdivision plat, prior to any site plan approval, or no earlier than one (1) year from the date of approval of this rezoning request by the Board of Supervisors and within sixty (60) days from a written request by the Transportation Department, whichever occurs first, the following rights-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:
 - b. A ninety (90) foot wide right-of-way for the east/west major arterial (the "East/West Arterial") based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department from Newbys Bridge Road through the southern part of the Property to Courthouse Road. The alignment of this right-of-way shall be as generally located as shown on the Master Plan. The exact location of this right-of-way shall be approved by the Transportation Department.

- c. Forty-five (45) feet of right-of-way on the west side of Newbys Bridge Road measured from the centerline of that part of Newbys Bridge Road immediately adjacent to the Property. (T)
- 12. Public Streets. All streets that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (T)
- 13. Vehicular Access.
 - a. Vehicular access to Tracts A and B, as identified on the Zoning Plan, from the East/West Arterial shall be limited to two (2) public roads. One of these public road accesses (the "Main Entrance") shall be generally located on the East/West Arterial approximately midway between Courthouse and Newbys Bridge Roads. The other public road access shall be generally located on the East/West Arterial approximately midway between the Main Entrance and Newbys Bridge Road. (T)
 - b. Vehicular access to Tract C1, as identified on the Zoning Plan, from the East/West Arterial shall be located approximately midway between Courthouse Road and the Main Entrance. This access shall be limited to right turns-in/right turns-out only.
 - c. There shall be no direct vehicular access to Tract C2, as identified on the Zoning Plan, from the East/West Arterial.
 - d. The only vehicular access to Courthouse Road from the Property shall be the East/West Arterial. The only vehicular access to Newbys Bridge Road from the Property shall be the East/West Arterial.
 - e. No direct vehicular access shall be provided from the Property to Burnett Drive.
 - f. The exact location of all vehicular accesses shall be approved by the Transportation Department. (T)
- 14. Road Improvements. To provide an adequate roadway system at the time of complete development, the Developer shall be responsible for the following improvements. If any of these improvements are provided by others, then the specific improvement shall no longer be required by the Developer, as determined by the Transportation Department:
 - a. Construction of two (2) lanes of the East/West Arterial, to VDOT Urban Minor Arterial (50 MPH) standards with modifications by the Transportation Department, from Courthouse Road to Newbys Bridge Road.
 - b. Construction of a raised median within the East/West Arterial from Courthouse Road to approximately two hundred (200) feet east of the access to the Tract C1, as identified in Proffered Condition 13.b. The exact design and length of this improvement shall be approved by the Transportation Department.

- c. Construction of additional pavement along the East/West Arterial at each approved access to the Property to provide left and/or right turn lanes, if warranted, based on Transportation Department standards.
 - d. Construction of additional pavement along Newbys Bridge Road at the East/West Arterial intersection to provide left and right turn lanes, if warranted, based on Transportation Department standards.
 - e. Construction of additional pavement along Courthouse Road at the East/West Arterial intersection to provide a right turn lane.
 - f. Construction of a three (3) lane typical section for the East/West Arterial at the Courthouse Road and at the Newbys Bridge Road intersections. The exact length of these improvements shall be approved by the Transportation Department.
 - g. Full cost of traffic signalization at the intersection of Courthouse Road and the East/West Arterial, if warranted as determined by the Transportation Department. The responsibility of the developer for the cost of traffic signalization at this intersection shall terminate ninety (90) days after full development of the Property, as determined by the Transportation Department.
 - h. Widening/improving the west side of Newbys Bridge Road to an eleven (11) foot wide travel lane, measured from the centerline of the existing pavement with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of Newbys Bridge Road with one and one-half (1.5) inch of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire Property frontage.
 - i. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified herein. In the event the Developer is unable to acquire the right-of-way necessary for the road improvements as described, the Developer may request, in writing, the County to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide the road improvement that can be accommodated within available right-of-way as determined by the Transportation Department. (T)
15. Transportation Phasing Plan. Prior to site plan approval or tentative subdivision plat approval, which ever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition 14 shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require construction of the road improvements, as described in the Proffered Condition 14. (a), (d), (e), (f), and (h) with initial development on the Property. (T)

AYES: Messrs. Litton, Wilson, Bass and Gecker.

ABSTENTION: Mr. Gulley.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of a waiver to the Residential Subdivision Connectivity Policy for Case 06SN0120.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the meeting adjourned at approximately 10:25 p. m. to January 17, 2006, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Chairman/Date

Secretary/Date